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SECRETARY OF STATE

BEFORE THE STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

IN THE MATTER OF:

DIVISION OF WATER
POLLUTION CONTROL

INTEX ENTERPRISES, LLC

RESPONDENT

CASE NO. 07-0242

AGREED ORDER

THIS MATTER comes before the Water Quality Control Board based upon the Commissioner's Order in OGC case no. 07-0242 and the Appeal of the Respondent and the representation of the parties that an agreement has been reached. The Respondent enters into this Agreed Order to compromise the pending claim, to avoid costly litigation, and in order to fully cooperate with the State of Tennessee in this matter. The Water Quality Control Board therefore adopts the following Findings of Fact, Conclusions of Law and Order to which the parties have agreed, as is shown by signature of the parties.

FINDINGS OF FACT

1. The facts set out in paragraphs I through XXXI of the Commissioner's Order and Assessment that was issued in this case on July 3, 2007 as to parties, jurisdiction, and factual basis for finding rule violations are admitted by the Respondent solely to resolve the matters raised by the issuance of the Commissioner's Order in this matter. These paragraphs are adopted by the Board and incorporated herein by reference.

2. Upon receiving the Commissioner's Order in this matter, the Respondent immediately began pursuing the corrective actions required by the Order. Respondent had taken all actions required by the Order by October 31, 2007 with the exception of the requirement that the Respondent be hooked up to the City of Clinton's sewer system by December 31, 2008. On March 31, 2008, the Division of Water Pollution Control conducted an inspection of the Respondent's facility and verified that the Respondent had hooked up its facility to the Clinton Sewer System. Respondent has submitted documentation indicating that to meet the Clinton Sewer System's sampling requirements, the Respondent would be required to incur costs of \$ 6,130.00 per month until such time as the Clinton Sewer System advises the Respondent that it can reduce the amount of required sampling. As a consequence of hooking up to the Clinton Sewer System before December 31, 2008, the Respondent is incurring sampling costs currently which it could have put off incurring until December 31, 2008.

CONCLUSIONS OF LAW

1. For Conclusions of Law, paragraph XXXII through XXXIV of the Commissioner's Order and Assessment that was issued July 3, 2007 are accepted by the parties as an accurate citation to the appropriate Tennessee statutes. A finding of violation of the cited statutes is a necessary conclusion from the admitted facts above. Paragraphs XXXII through XXXIV of the above-referenced Order and Assessment are therefore adopted and incorporated into this Agreed Order by reference.

2. Respondent has filed a Petition to Appeal Commissioner's Order and Assessment that was issued on July 3, 2007 requesting that the Order and Assessment be reviewed by the Tennessee Water Quality Control Board.

ORDER

WHEREFORE, PREMISES CONSIDERED the Board hereby ORDERS that:

1. The Respondent is hereby assessed a CIVIL PENALTY in the amount of TWELVE THOUSAND (\$12,000.00), payable as follows:

The Respondent shall pay a CIVIL PENALTY of TWELVE THOUSAND DOLLARS (\$12,000.00) to the Department within THIRTY (30) DAYS the entry of this Order in the Administrative Procedures Division of the Secretary of State's Office (hereinafter "APD").

2. The Respondent is hereby assessed DAMAGES in the amount of TWELVE THOUSAND SIXTY-SIX DOLLARS AND NINETY-SIX CENTS (\$12,066.96) to be paid to the Department within THIRTY (30) DAYS of the entry of this Order in the APD.

3. The Respondent shall otherwise conduct business in accordance with the Act and rules promulgated pursuant to the Act.

4. All payments referenced above shall be made payable to the Treasurer, State of Tennessee and shall be addressed to Max A. Fleischer, Assistant General

Counsel, Office of General Counsel, Tennessee Department of Environment and Conservation, 401 Church Street, L & C Tower, 20th Floor, Nashville, Tennessee 37243. All payments shall reference case number 07-0242.

5. By entering into this Agreed Order, the Respondent has knowingly and voluntarily waived the right to a contested case hearing in this matter.

6. Respondent knowingly and voluntarily waives the rights described in the Rights of Appeal section of this Order.

RESERVATION OF RIGHTS

Respondent does not admit or agree to the factual allegations or the alleged violations of law contained in this Agreed Order. Respondent agrees to comply with this Agreed Order to avoid the cost of protracted litigation. Respondent reserves the right to contest the factual allegations and alleged violations contained in this Agreed Order in any proceeding other than any enforcement proceeding brought by the Tennessee Department of Environment and Conservation. The Board makes its Findings of Fact and Conclusions of Law based upon the based upon the Order and Assessment and representations of Counsel at the Board's meeting.

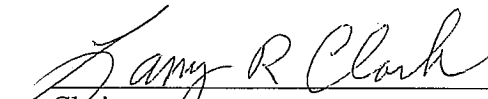
REASONS FOR DECISION

The Board approves this AGREED ORDER because it is a fair and reasonable settlement of the matter. The Board also approves of settlements in that they conserve the resources of the Department and the Board.

Adopted and approved by a majority of the Board, a quorum being present, this

17 day of June, 2008.

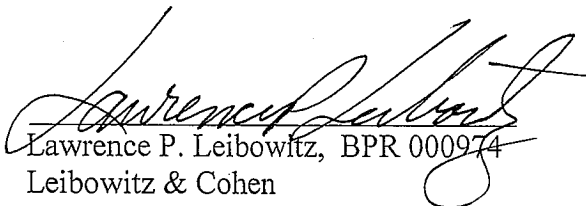
FOR THE WATER QUALITY CONTROL BOARD


Chairperson

APPROVED FOR ENTRY:



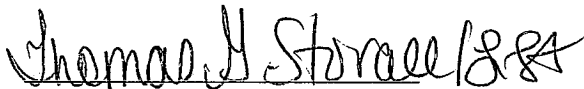
Max A. Fleischer, BPR 14848
Assistant General Counsel
Tennessee Department of Environment and Conservation
L & C Tower, 401 Church Street 20th Floor
Nashville, Tennessee 37243



Lawrence P. Leibowitz, BPR 000974
Leibowitz & Cohen
608 S. Gay Street, Suite 200
Knoxville, Tennessee 37902
For Intex Enterprises, LLC,
Respondent

ENTRY OF ORDER

Entered in the Administrative Procedures Division, Office of the Secretary of
State, on this 17th day of June, 2007.



Thomas G. Stovall
Director
Administrative Procedures Division

RIGHTS OF APPEAL

Respondent is hereby notified and advised of its right to administrative and judicial review of this FINAL ORDER, pursuant to the Tennessee Uniform Administrative Procedures Act, Tenn. Code Ann §§ 4-5-316, 4-5-317 and 4-5-222 and the Water Quality Act, Tenn. Code Ann § 69-3-111.

Tenn. Code Ann. § 4-5-316 gives a party the right to submit to the Board a Petition for a Stay of Effectiveness of a FINAL ORDER within seven (7) days after its entry.

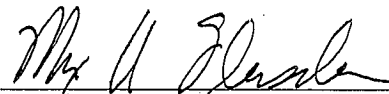
Tenn. Code Ann. § 4-5-317 gives any party the right to file a Petition for Reconsideration within fifteen (15) days after the entry of a FINAL ORDER, stating specific grounds upon which relief is requested.

Tenn. Code Ann § 4-5-322 provides any party the right of judicial review by filing a Petition in the Chancery Court of Davidson County within sixty (60) days of this ORDER becoming effective. A copy of this FINAL ORDER shall be served upon the Respondent by certified mail, return receipt requested. This FINAL ORDER shall become effective upon entry.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Lawrence P. Leibowitz, Leibowitz & Cohen, 608 S. Gay Street, Suite 200 Knoxville, Tennessee 37902, by certified mail this 17th day of

June, 2007



Max A. Fleischer
Assistant General Counsel
Tennessee Dept. of Environment and
Conservation

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